

AMENDED IN SENATE APRIL 7, 2003

**SENATE BILL**

**No. 711**

**Introduced by Senator Kuehl**  
(Coauthor: Assembly Member Lieber)

February 21, 2003

---

---

~~An act to amend Section 21080.5 of, and to add Sections 21080.06 and 21100.05 to, the Public Resources Code, relating to environmental quality, and declaring the urgency thereof, to take effect immediately. An act to add Section 21080.06 to the Public Resources Code, relating to environmental quality.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 711, as amended, Kuehl. Environmental quality.

~~(1) The~~

~~The~~ existing California Environmental Quality Act (CEQA) requires a lead agency to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a discretionary project that it proposes to carry out or approve that may have a significant effect on the environment, as defined, or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA provides some exemptions from its requirements for specified projects.

This bill would require the provisions of CEQA to apply to timberland conversion and oak woodlands conversion, ~~classifying those conversions as discretionary projects and assigning the~~

~~Department of Forestry and Fire Protection as the lead agency charged with approval of those conversions. The bill would require the department~~ *Department of Forestry and Fire Protection*, on or before January 1, 2005, to develop guidelines that establish mitigation criteria for those conversions. ~~The bill would require the State Board of Forestry and Fire Protection to consult with interested parties, as specified, to develop a method by which the department develops those guidelines.~~

~~(2) Existing law authorizes the plan or other written documentation of certain regulatory programs of state agencies to be submitted in support of certain activities in lieu of an environmental impact report if the Secretary of the Resources Agency has certified the regulatory program in the specified manner. Existing law requires the secretary to develop, by July 1, 2003, a protocol for reviewing the prospective applications of certified regulatory programs to evaluate the consistency of those programs with CEQA requirements.~~

~~This bill would instead require the secretary to develop that protocol by July 1, 2004.~~

~~(3) This bill would declare that it is take effect immediately as an urgency statute.~~

Vote: ~~2/3~~ majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 ~~SECTION 1. Section 21080.06 is added to the Public~~  
 2 *SECTION 1. Section 21080.06 is added to the Public*  
 3 *Resources Code, to read:*  
 4 *21080.06. (a) This division applies to an action by the State*  
 5 *Board of Forestry and Fire Protection for conversion of*  
 6 *timberland, as defined in Section 4526 and as required under*  
 7 *Article 9 (commencing with Section 4621) of Chapter 8 of Part 2*  
 8 *of Division 4, and for conversion of oak woodlands, as defined in*  
 9 *subdivision (h) of Section 1361 of the Fish and Game Code.*  
 10 *(b) (1) On or before January 1, 2005, the Department of*  
 11 *Forestry and Fire Protection shall adopt regulations pursuant to*  
 12 *Chapter 3.5 (commencing with Section 11340) of Part 1 of*  
 13 *Division 3 of Title 2 of the Government Code to implement*  
 14 *subdivision (a), and for the department to issue a permit for the*  
 15 *conversion of oak woodlands.*

1     (2) *The regulations may specify the conditions under which the*  
2 *conversion of 50 acres or less of oak woodlands would not have a*  
3 *significant effect on the environment, and the conditions under*  
4 *which the conversion of three acres or less of oak woodlands would*  
5 *not be subject to this section.*

6     (3) *The regulations shall provide alternatives that comply with*  
7 *this division for mitigating the conversion of timberland under*  
8 *subdivision (b) of Section 4628.*

9     (4) (A) *The regulations shall provide alternatives for*  
10 *mitigating the conversion of timberland and oak woodlands that*  
11 *comply with this division.*

12     (B) *An alternative for mitigating the conversion of timberland*  
13 *pursuant to subparagraph (A) shall include a monetary*  
14 *contribution to the California Forest Legacy Program established*  
15 *under Division 10.5 (commencing with Section 12200) that would*  
16 *be expended pursuant to the California Forest Legacy Program*  
17 *Act of 2002 and the guidelines and criteria of the Wildlife*  
18 *Conservation Board, provided that all of the following conditions*  
19 *are met:*

20     (i) *The mitigation is consistent with this division and includes*  
21 *at least the same amount as, and provides equivalent biological*  
22 *value as, the acreage proposed for conversion.*

23     (ii) *The landowner provides funds for an appraisal approved by*  
24 *the department and for acquisition and management of the*  
25 *timberland.*

26     (iii) *The landowner's monetary contribution is received prior*  
27 *to final approval of the timberland conversion application.*

28     (C) *An alternative for mitigating the conversion of oak*  
29 *woodlands under subparagraph (A) shall include a monetary*  
30 *contribution to the Oak Woodlands Conservation Fund, as*  
31 *established under subdivision (a) of Section 1363 of the Fish and*  
32 *Game Code, for the purposes specified under subdivision (d) of*  
33 *that section and the guidelines and criteria of the Wildlife*  
34 *Conservation Board, provided that all of the following conditions*  
35 *are met:*

36     (i) *The mitigation is consistent with this division and includes*  
37 *at least the same amount as, and provides equivalent biological*  
38 *value as, the acreage proposed for conversion.*

1     (ii) *The landowner provides funds for an appraisal approved by*  
2 *the department and for acquisition and management of the oak*  
3 *woodlands.*

4     (iii) *The landowner's monetary contribution is received prior*  
5 *to final approval of the oak woodlands conversion application.*

6     (c) *This section, and the regulations adopted pursuant to this*  
7 *section, may not be construed as a limitation on the power of a*  
8 *public agency to comply with this division or any other provision*  
9 *of law.*

10  
11  
12  
13     **All matter omitted in this version of the**  
14     **bill appears in the bill as introduced in the**  
15     **Senate, February 21, 2003 (JR 11)**  
16  
17

